

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAMES K. FORD,	:	
	:	
Petitioner,	:	
	:	Civ. No. 21-963 (PGS)
v.	:	
	:	
ATTORNEY GENERAL OF STATE	:	
OF NEW JERSEY, et al.,	:	MEMORANDUM AND ORDER
	:	
Respondents.	:	
	:	

Pro se Petitioner, James K. Ford, is a state prisoner confined at the Mid-State Correctional Facility in Wrightstown, New Jersey. Petitioner filed a habeas petition pursuant to 28 U.S.C. § 2254. (*See* ECF 1). Petitioner has failed to include the \$5.00 filing fee or a complete application to proceed *in forma pauperis*. Furthermore, Local Civil Rule 81.2 provides:

Unless prepared by counsel, petitions to this Court for a writ of *habeas corpus* . . . shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L. Civ. R. 81.2(a). Petitioner also did not file his initial § 2254 habeas petition on the proper form. Therefore, this matter will be administratively terminated. Petitioner shall have the opportunity to reopen this action should he so choose.

Accordingly, IT IS this 2nd day of March, 2021

ORDERED the Clerk of the Court shall administratively terminate this case; Petitioner is informed an administrative termination is not a “dismissal” for purposes of the statute of limitations, and if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); and it is further

ORDERED if Petitioner wishes to reopen this case, he shall so notify this Court in writing within thirty (30) days of the date of entry of this memorandum and order; Petitioner's writing shall include either the \$5.00 filing fee or a complete application to proceed *in forma pauperis* as well as a signed copy of his habeas petition on the proper form; and it is further

ORDERED upon receipt of a writing from Petitioner stating that he wishes to reopen this case and either the \$5.00 filing fee or a complete application to proceed *in forma pauperis* as well as a signed copy of his habeas petition on the proper form, the Clerk will be directed to reopen this case; and it is finally

ORDERED the Clerk shall serve upon Petitioner by regular U.S. mail: (1) a copy of this memorandum and order; (2) a blank form application to proceed *in forma pauperis* by a prisoner in a habeas corpus case; and (3) a blank habeas petition form—AO 241(modified):DNJ-Habeas-008 (Rev.01-2014).

s/Peter G. Sheridan
PETER G. SHERIDAN, U.S.D.J.